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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,376	06/19/2000	PETER F. KLEBANOFF	L294.12-0009	3856

164 7590 07/27/2004

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EXAMINER

POINVIL, FRANTZY

ART UNIT PAPER NUMBER

3628

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/597,376

Applicant(s)

KLEBANOFF ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

*MW*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to the Amendment**

1. Applicant's representative states that "the disclosure of Johnson et al. is known by those of skill in the art, however, the Johnson et al. lack any indication of electronically sending a receipt" and argues that there is no suggestion to send a receipt electronically to a destination provided by the guest as part of a video checkout.

In response, as noted in the prior Office action all the claimed features are taught by Johnson et al with the exception of the provision of transmitting an electronic receipt to a destination as desired by a hotel guest. Johnson et al teach a hotel guest merely provides his/her address wherein his/her receipt will be mailed. It is noted that providing an address for transmitting an electronic receipt to a customer is old and well known in the business art. Both Takemura and Kosuda et al provide this teaching. Both Takemura and Kosuda et al teach a bank customer performing a financial transaction and provide an electronic address for obtaining an electronic of his/her financial transaction. Applicant is directed to both the teachings of Takemura and Kosuda et al. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Takemura and Kosuda et al into Johnson et al in order to allow a customer with an electronic receipt for easy incorporation in their computer

system thus will facilitating balancing of their account in a spreadsheet program and also reducing or eliminating the waiting time in a line thus providing customer service/satisfaction.

Applicant's representative then argues that the references are old and one of ordinary skill in the art at the time of the invention would not be looking to bank transactions to help provide improvements to amenities for guests.

In response, the Examiner disagrees with the applicant's assertion. Takemura and Kosuda et al teachings are not relied upon their banking transactions, but rather were relied upon for the teachings of the transmission of an electronic receipt to a remote location or computer.

#### **DETAILED ACTION**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US Patent No. 5,077,607) in view of Takemura (JP404372057A) and Kosuda et al (JP411339106A).

As per claims 1-10, Applicant's representative has amended their independent claims to recite:

"Maintaining a listing of charges to a guest's account in a property management system;

Providing an option of the entertainment system for the guest to review the listing of charges of the lodging facility;

Accessing the property management system to obtain the listing of charges upon a request by the guest through a guest terminal in a room occupied by the guest".

Applicant's representative then argues that these features are neither present nor suggested in the references.

In response, Johnson et al disclose a cable television terminal system for providing an automated checkout by a guest from a lodging terminal having an entertainment system with a headend connected through a distribution system to a plurality of guest terminals located in guest rooms of the lodging facility. See the abstract and column 3, lines 45 to 68 of Johnson et al. Johnson et al also disclose:

"Maintaining a listing of charges to a guest's account in a property management system;

Providing an option of the entertainment system for the guest to review the listing of charges of the lodging facility;

Accessing the property management system to obtain the listing of charges upon a request by the guest through a guest terminal in a room occupied by the guest".

Applicant is referred to column 7, line 55 to column 8, line 68 of Johnson et al.

Steps or means for displaying for review on the guest terminal a listing of charges to the guest's account is also taught by Johnson et al on column 9, lines 56-65 of Johnson et al. Performing a checkout of the guest based upon the listing of charges and the date of the charges in response to a selection made by the guest at the guest terminal is taught on column 7, line 55 to column 11, line 25 of Johnson et al.

Johnson et al do not explicitly teach sending a receipt electronically to a destination provided by the guest, which includes a checkout receipt for the listing of charges. However, Johnson et al disclose sending the receipt to an optional printer. Note column 5, lines 35-48 of Johnson et al. Furthermore, means or steps for sending a receipt of a transaction to a user-selected destination are old and well known in the art. Takemura and Kosuda teach such a feature. Note the entire respective documents. Takemura discloses a user selects or provides a facsimile destination for transmitting a user's receipt or transaction information to a destination. Kosuda discloses a user selects or provides an Email destination for transmitting a user's receipt or transaction information to a destination. It would have been obvious to one of ordinary skill in the art at the time the invention was made to introduce the teachings of Takemura and/or Kosuda into Johnson et al in order to allow a user to transmit a receipt to a desired destination. The motivation would have been to allow a user with a receipt at a much safer location whereby the receipt would not be easily misplaced and thereby providing easy review, storage of a particular transaction in case of a dispute.

As per claims 11-12, Johnson et al disclose the well-known functions of authorizing payment for charges through a credit card number previously provided to the hotel and stored in the property management system. See column 8, lines 43-49, column 10, lines 3-16 and column 4, lines 52-58 of Johnson et al.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP  
July 19, 2004

  
FRANTZY POINVIL  
PRIMARY EXAMINER

*Ad 3628*